

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
May 15, 2023

Name of Offender: **Johnathan Thomas Ratcliff**

Case Number: **2:18CR00249**

Name of Sentencing Judicial Officer: **Honorable Jennifer A. Dorsey**

Date of Original Sentence: **May 28, 2019**

Original Offense: **Failure to Register as a Sex Offender and Felon in Possession of a Firearm.**

Original Sentence: **30 Months prison, followed by 60 Months TSR.**

Date Supervision Commenced: **May 26, 2020**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

- 1. You must participate in a program of testing and/or treatment for substance abuse approved by the probation officer and follow the rules and regulations of such program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program as to modality, duration, and intensity. You must abstain from the use of alcohol or other intoxicants during the course of treatment. You must not attempt to obstruct, tamper with or circumvent the testing methods. You must pay for the cost of testing and/or treatment based on your ability to pay.**

CAUSE

On May 30, 2019, Mr. Ratcliff was sentenced by Your Honor to a term of 30 months' incarceration per Count, concurrent, to be followed by five (5) years' supervised release as to Count 1 and three

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(3) years' supervised release as to Count 2. This sentence was pursuant to his conviction for Failure to Register as a Sex Offender and Felon in Possession of a Firearm.

On May 26, 2020, Mr. Ratcliff was released to the custody of the Arapaho County Sheriff's Office, in Centennial, Colorado, in reference to a state of Colorado detainer.

On December 21, 2021, Mr. Ratcliff was released from the Arapaho County Sheriff's Office to the community to begin his term of supervised release in the District of Colorado. Mr. Ratcliff has been supervised by the United States Probation Office in the District of Colorado since his release from the state of Colorado.

The supervising officer in Colorado reports that Mr. Ratcliff has tested positive for the use of controlled substances on 11 separate occasions. The positive drugs tests are listed below:

12/29/21	Marijuana
01/16/22	Marijuana
02/01/22	Marijuana
05/24/22	Marijuana and Cocaine
06/29/22	Marijuana
07/12/22	Marijuana
08/12/22	Marijuana
10/30/22	Marijuana
01/05/23	Marijuana
02/06/23	Marijuana
05/02/23	Marijuana

Additionally, Mr. Ratcliff has failed to report for drug testing on the following dates:

1/24/22
4/23/22
5/07/22
5/20/22
5/25/22
8/01/22
8/18/22
9/13/22
10/14/22
11/07/22
11/28/22
3/03/23
3/27/23

Furthermore, the supervising officer in Colorado reports Mr. Ratcliff failed to attend substance abuse treatment on the following dates:

12/01/22
1/26/23

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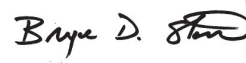
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 4/2/23
 4/6/23
 5/02/23

To address the noncompliance, the probation office for the District of Colorado has modified his substance abuse treatment, enrolled him in medication monitoring to deter self-medicating, increased drug testing, increased his risk level, instituted conferences with the probation office supervisor and instituted regular check-ins with the supervising officer. The District of Colorado reported Ratcliff's non-compliance to his state probation officer who initiated revocation proceedings. The next hearing with the state of Colorado is scheduled for June 12, 2023. If non-compliance continues the next step will be placement at the Residential Re-entry Center or placement in inpatient substance abuse treatment. The District of Colorado has continued to work with Mr. Ratcliff versus seeking Court intervention, due to his struggle with his mental health stability.

At this time, the probation office for the District of Colorado requests the modification of supervised release to include a condition requiring substance abuse treatment as noted above. It is believed this condition will aid Mr. Ratcliff in refraining from abusing controlled substances. The District of Nevada, respectfully request the Court order the condition for substance abuse treatment. Ratcliff is in agreement with the modification as evident by his signature on the attached Waiver of Hearing to Modify the Conditions of Supervised Release (Prob 49).

The probation office for the District of Colorado has also requested the transfer of jurisdiction be initiated in order to address any future issues with their Court. We respectfully request the transfer of jurisdiction to the District of Colorado. Attached is a copy of the Transfer of Jurisdiction order for the Court's consideration.

Respectfully submitted,

 Digitally signed by
 Bryce Stark
 Date: 2023.05.16
 18:47:40 -07'00'

Bryce Stark, Senior
 United States Probation Officer

Approved:



Digitally signed by Joy
 Gabonia
 Date: 2023.05.16 07:27:50
 -07'00'

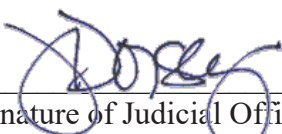
Joy Gabonia, Supervising
 United States Probation Officer

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THE COURT ORDERS

- ☐ No Action.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

5/17/2023

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA

**Waiver of Hearing to Modify Conditions
of Supervised Release**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of supervised release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my conditions of supervised release:

1. You must participate in a program of testing and/or treatment for substance abuse approved by the probation officer and follow the rules and regulations of such program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program as to modality, duration, and intensity. You must abstain from the use of alcohol or other intoxicants during the course of treatment. You must not attempt to obstruct, tamper with or circumvent the testing methods. You must pay for the cost of testing and/or treatment based on your ability to pay.

Witness


Keenan Staten
(U.S. Probation Officer)

Signed


Johnathan Ratcliff
(Supervised Releasee)

5/5/23

(Date)